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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/517,692

07/05/2005

Olli-Pekka Eroma

18475

1908

272

7590

07/14/2010

SCULLY, SCOTT, MURPHY & PRESSER, P.C.

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EXAMINER

GOON, SCARLETT Y

ART UNIT

PAPER NUMBER

1623

MAIL DATE

DELIVERY MODE

07/14/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b> 10/517,692	<b>Applicant(s)</b> EROMA ET AL.	
	<b>Examiner</b> SCARLETT GOON	<b>Art Unit</b> 1623	

**All Participants:**
**Status of Application:** pending

 (1) SCARLETT GOON.

(3) \_\_\_\_\_.

 (2) Mr. Mark Cohen.

(4) \_\_\_\_\_.

**Date of Interview:** 7 July 2010
**Time:** 3:51 pm
**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

 Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description: .

**Part I.**

Rejection(s) discussed:

*see below*

Claims discussed:

*see below*

Prior art documents discussed:

*U.S. Patent No. 6,764,706 and corresponding WIPO; U.S. Patent No. 6,165,511*
**Part II.**
**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

*Mr. Cohen, Applicants' attorney, was contacted to discuss potential allowable subject matter. The Examiner indicated that the claims would be allowable if the percentage of the resulting microcrystalline eutectic mixture was amended away from 75%. The Examiner indicated that the '706 patent teaches a microcrystalline composition comprising 80% xylitol that could also encompass other polyols. Additionally, the '511 patent discloses a composition comprising at least two polyols, further citing the two polyols encompassed by the claim limitations, wherein at least one of the polyols is present in 80% or more. The Examiner indicated that the instantly claimed 75% of one polyol is considered sufficiently close, and within the optimization window, to the prior art disclosed 80%. The Examiner suggested a ratio of 50%/50% for xylitol/maltitol in the final microcrystalline mixture, which is supported by the instant Specification. Mr. Cohen indicated that he thought the 50% ratio was too limited, and suggested a 30%/70% mixture which he felt was supported by the Specification which states "preferred two-polyol composition contain 30% or more of each of the two polyols." The Examiner disagreed and indicated that although the statement of the Specification suggests one component in 30%, it does not necessarily indicate, nor imply, that the other component is present in 70%. The Examiner indicated she would confirm such an interpretation with her SPE, but suggested that Mr. Cohen contact the Applicants to let them know what the proposal is. The Examiner further indicated that a counter proposal, with a different ratio, would be considered if fully supported by the Specification. Mr. Cohen indicated that he would contact the Applicants and present the proposed amendment to them.*

**Part III.**

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

/SCARLETT GOON/  
 Examiner, Art Unit 1623

(Applicant/Applicant's Representative Signature – if appropriate)